



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.395 of 2021

and

C.M.P. (MD) No.7757 of 2021

Naseema

.. Petitioner

-vs-

A.Jamal Mohammed

.. Respondent

Prayer :- Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the O.S.No.13 of 2021 on the file of the Family Court, Dindigul to be heard and tried on the file of the Family Court, Theni for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.M.Jerin Mathew

ORDER

The petitioner/wife seeks to have the suit in O.S.No.13 of 2021 pending on the file of the Family Court, Dindigul for divorce transferred to the file of the Family Court, Theni, as she is residing at Bodinayakkanur with her 2½ old daughter.

2.It is the case of the petitioner that there was no dispute between herself and her husband, the respondent herein and it was only the sister-in-law and the mother-in-law, who were causing problems between herself and her husband.

3.Be that as it may, the petitioner had returned to her parental home on account of the quarrel that she had undergone every time with her mother-in-law and sister-in-law, she had left the matrimonial home only after informing her husband.

4.The petitioner would further submit that though she is living with her parents along with a 2½ old daughter, the respondent, who has not taken any steps to maintain the two of them, has filed the suit for divorce on the file of the Family



Court, Dindigul where the presence of the petitioner is essential for every hearing for which she would have to travel 75 kms along with her 2½ old daughter, which would cause considerable hardship to the child and herself.

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5.The respondent, who has been served with notice of this proceedings, has however not chosen to appear either in person or through counsel.

6.Considering the above fact, this transfer civil miscellaneous petition is allowed, the suit in O.S.No.13 of 2021 pending on the file of the Family Court, Dindigul is withdrawn and transferred to the file of the Family Court, Theni. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Preciding Officer,
Family Court, Dindigul.

2.The Presiding Officer,
Family Court, Theni.

+1 CC to M/s.M. JERIN MATHEW, Advocate (SR-35922[F] dated 25/11/2021)

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